

JUDGE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | No. CR24-042-JNW |
| |) | |
| Plaintiff, |) | |
| |) | ORDER TO CONTINUE TRIAL AND |
| v. |) | EXTEND PRETRIAL MOTIONS |
| |) | DEADLINE |
| JOSE GERARDO RODRIGUEZ- |) | |
| MONTOYA, |) | |
| |) | |
| Defendant. |) | |

THE COURT has considered the motion to continue the trial date and extend the pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);

(b) a failure to grant such a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

(c) the additional time requested is a reasonable period of delay as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses;

(d) the ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A);

1 (e) the time requested between the current trial date and the new trial date is
2 needed to provide counsel the reasonable time necessary to prepare for trial considering
3 counsel's schedule and all the facts set forth above; and

4 (f) the period of delay from the date of this order to the new trial date is
5 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

6 IT IS ORDERED that the trial date shall be continued to October 28, 2024, and
7 that pretrial motions shall be filed no later than September 30, 2024.

8 DONE this 13th day of June 2024.

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11 Jamal N. Whitehead
12 United States District Judge
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14 Presented by:

15 s/ *Mukund Rathi*
16 Assistant Federal Public Defender
17 Attorney for Jose Rodriguez-Montoya
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